

**CITY OF MIAMI BEACH VOTER'S GUIDE
ELECTION 2004**

TUESDAY, MARCH 9, 2004

On Tuesday, March 9, 2004, the City of Miami Beach will hold a Special Election to present to the voters the seven ballot questions listed below, dealing with issues which affect and involve the interests of the City and its citizens.

The Miami Beach Mayor and City Commission urge the voters to vote in favor of these ballot measures.

This Voter's Guide has been prepared to explain and educate all Miami Beach citizens on each of the seven ballot questions. For further election information, you may contact the City Clerk's Office at 305-673-7411.

Ballot Question No. 1

AMENDING CITIZEN'S BILL OF RIGHTS TO PROTECT NATURAL RESOURCES AND SCENIC BEAUTY

SHALL THE MIAMI BEACH CITY CHARTER BE AMENDED TO INCLUDE WITHIN THE CITIZEN'S BILL OF RIGHTS A POLICY STATEMENT OF THE CITY TO CONSERVE AND PROTECT ITS NATURAL RESOURCES AND SCENIC BEAUTY, INCLUDING THE ABATEMENT OF AIR AND WATER POLLUTION AND OF EXCESSIVE AND UNNECESSARY NOISE?

Explanation

This ballot question asks whether the "Citizen's Bill of Rights," which already guarantees fair treatment to all persons, should also include a policy statement to protect the City's natural resources and scenic beauty, including the reduction of air and water pollution and of excessive and unnecessary noise. This language is modeled after the Florida Constitution (Article II, section 7 thereof) which contains similar language. Further, this measure would add to already-existing City laws that protect citizens against the public annoyance of excessive and unnecessary noise.

Ballot Question No. 2

AMENDING CHARTER SECTION 1.03(b) REGARDING LEASE/DISPOSAL OF CITY-OWNED PROPERTY BY EXPANDING ITS APPLICABILITY

SHALL CHARTER SECTION 1.03(b) REQUIRING VOTER APPROVAL BEFORE LEASE/DISPOSAL OF CITY-OWNED PARK, RECREATION, WATERFRONT PROPERTY APPLY TO ADDITIONAL CITY PROPERTIES (WEST OF NORTH SHORE OPEN SPACE; CULTURAL CAMPUS; AND PARKING LOTS NEAR 72ND STREET, CONVENTION CENTER, LINCOLN ROAD); REQUIRE PLANNING BOARD'S 4/7 AND CITY COMMISSION'S 5/7 VOTES BEFORE LEASE/DISPOSAL OF OTHER CITY-OWNED PROPERTIES; INCREASE EXEMPT LEASE PERIOD FROM FIVE TO TEN YEARS; EXEMPT INTERESTS/SETTLEMENT OF CLAIMS EXISTING AS OF JANUARY 14TH, 2004?

Explanation

Generally, a city's powers include the ability to sell, lease or otherwise dispose of city-owned property, subject to any restrictions stated in the law; in the City of Miami Beach, the City Charter contains such a restriction. Currently, City Charter section 1.03(b) requires voter approval before the City may sell, exchange, lease or otherwise convey its city-owned park, recreation or waterfront property (which lands presently comprise 88% of property owned by the City)—all other property owned by the City is not covered by this Charter section, so that property may be disposed of by the City without the approval of the voters.

This ballot question asks you to decide if the requirement of voter approval should be expanded to also apply to the City's sale, lease, exchange or conveyance of the following additional five categories of city-owned properties (which lands comprise of 43 acres, representing 6% of city-owned property):

1) Lots West of the North Shore Open Space Park: All City-owned property bounded by 87th Street on the North, Collins Avenue on the East, 79th Street on the South, and Collins Court on the West;

2) Cultural Campus: All City-owned property bounded by 22nd Street on the North, Park Avenue on the West, 21st Street on the South, and Miami Beach Drive on the East;

3) 72nd Street Parking Lot: The City-owned surface parking lot bounded by 73rd Street on the North, Collins Avenue on the East, 72nd Street on the South, and Harding Avenue on the West;

4) Convention Center Parking Lots: All City-owned surface parking lots located in the Civic and Convention Center District, generally bounded by Lincoln Lane on the South, Washington Avenue on the East, Meridian Avenue on the West and Dade Boulevard on the North; and

5) Lincoln Road Parking Lots: All City-owned surface parking lots in the vicinity of Lincoln Road located within the area bounded by 17th Street on the North, Euclid Avenue on the East, 16th Street on the South, and West Avenue on the West.

As a further limitation on the City's ability to sell, lease, exchange or convey public property, this ballot question asks if all remaining property owned by the City, not subject to the requirement of voter approval as stated above, must receive the approval of both the City's Planning Board (by a 4/7's vote) and the City Commission (by a 5/7's vote) before the property may be sold, leased, or disposed of. The Planning Board (composed of persons appointed by the City Commission) is currently responsible for providing the City Commission with recommendations for the comprehensive and systematic development of the City. It is believed that requiring the Planning Board's review and approval of the proposed disposal of city property, in addition to requiring City Commission approval, will safeguard the Charter's underlying mandate favoring the preservation of city lands for public use.

Finally, this ballot question asks if the following additional changes should be made to Charter section 1.03(b):

--increasing the lease period which is currently exempt from the terms of Charter section 1.03(b) from five years to ten years. The existing language in Charter section 1.03(b) states that the City may enter into leases of city-owned property for a maximum period of five years without the

need to obtain the voter's approval. This amendment would increase the lease period exempt from Charter section 1.03(b)'s terms from five years to ten years.

--exempting certain interests and claims existing as of January 14, 2004. The City of Miami Beach is obligated, under existing written contracts, to dispose of certain city-owned properties; there also exist certain notices of claims on file with the City which may affect the City's disposal of specific city-owned property. In recognition of these obligations (such as the City's existing contract for expansion of the New World Symphony), and the City's need to retain the ability to settle certain pending claims, this Charter amendment will exempt from the requirements of Charter section 1.03(b) those City properties which are the subject of any valid written contractual commitment or bid or bonded indebtedness existing as of January 14, 2004 (the date the City Commission approved presenting this Charter amendment to the voters), and those City properties which are the subject of a settlement of a claim which the City had notice of as of January 14, 2004.

Ballot Question No. 3

AMENDING CHARTER SECTION 1.03(c) REGARDING VOTER APPROVAL PRIOR TO FLOOR AREA INCREASE

SHALL CHARTER SECTION 1.03(c) REQUIRING VOTER APPROVAL BEFORE FLOOR AREA RATIO MAY BE INCREASED ON PROPERTIES ADJACENT TO THE ATLANTIC OCEAN, GOVERNMENT CUT, INDIAN CREEK, OR BISCAYNE BAY, BE EXPANDED TO APPLY TO ALL PROPERTY WITHIN CITY LIMITS; EXEMPTING THE DIVISION OF LOTS OR THE AGGREGATION OF DEVELOPMENT RIGHTS ON UNIFIED ABUTTING PARCELS (OTHERWISE PERMITTED BY ORDINANCE), AND SETTLEMENT OF CLAIMS THE CITY HAS NOTICE OF AS OF DECEMBER 10, 2003?

Explanation

In 1997, a group of Miami Beach citizens initiated a referendum to amend the City Charter that would create a prohibition on any increases in the Floor Area Ratio (FAR) of waterfront property in the City, unless approved by the voters.

Floor Area Ratio (FAR) means the floor area of a building or buildings on any lot divided by the area of the lot. In other words, the FAR requirement regulates the size of a building that may be built on a property by limiting the total square footage of any permitted structure or new construction. This provision would not affect any property zoned for single family homes.

The restriction on the City Commission's power to increase the allowable FAR of waterfront property was approved by the voters on June 3, 1997, and placed into the City Code as Charter section 1.03(c). This ballot question asks you to decide if this restriction should be expanded to apply to all property in the City, not just waterfront property.

In addition to the above, this ballot question asks if the following changes should be made to Charter section 1.03(c):

--exempting properties where net FAR not increased. This amendment would exempt from the requirements of this Charter section those situations where properties are divided or combined

(as permitted by the City Code), and there is no resulting net increase in floor area to the properties.

--exempting certain claims existing as of December 10, 2003. The City of Miami Beach is currently on notice of certain property claims, the settlement of which may involve issues relating to the Charter's FAR restriction. In recognition of the City's need to retain the ability to settle certain pending claims, this Charter amendment will exempt those properties which are the subject of a settlement of a claim which the City had notice of as of December 10, 2003 (the date the City Commission approved presenting this Charter amendment to the voters).

Ballot Question No. 4

AMENDING CHARTER SECTION 4.02(i) DELETING REQUIREMENT FOR CITY ATTORNEY APPROVAL OF CITY MANAGER'S CONTRACT NEGOTIATIONS

SHALL SECTION 4.02(i) OF THE MIAMI BEACH CITY CHARTER REGARDING THE CITY MANAGER'S POWER TO NEGOTIATE CITY CONTRACTS AND AGREEMENTS BE AMENDED BY DELETING LANGUAGE SUBJECTING SAID POWER TO APPROVAL OF THE CITY ATTORNEY, RETAINING LANGUAGE REQUIRING CITY COMMISSION APPROVAL OF CITY MANAGER NEGOTIATIONS?

Explanation

The ballot question asks whether the Charter section 4.02(i) should delete the requirement of City Attorney approval of the City Manager's negotiations; a provision that is already included in another section of the Charter requires that the City Attorney reviews and approves the language, form and execution of all City contracts. The language in Charter section 4.02 is therefore redundant and unnecessary.

Amending this section will not affect the City Commission's power to review and approve the City Manager's contract negotiations. Elected officials' consent of contractual terms and conditions negotiated by the City Manager remains an important part of the checks and balance system inherent in Miami Beach government.

Ballot Question No. 5

AMENDING CHARTER ARTICLE V TO REQUIRE ECONOMIC IMPACT STATEMENT

SHALL THE MIAMI BEACH CITY CHARTER, ARTICLE V THEREOF REGARDING "BUDGET AND FINANCE," BE AMENDED TO REQUIRE THAT THE CITY COMMISSION CONSIDER THE LONG-TERM ECONOMIC IMPACT (AT LEAST FIVE YEARS) OF LEGISLATIVE ACTS?

Explanation

This ballot question asks the voters whether Article V of the City Charter should be amended so that the City Commission is advised of the long-term economic impact of any legislative act voted on by the City Commission. In preparing Commission items, reports and analysis for the City Commission to consider, staff will calculate the long-term cost and financial impact of the item so that the City Commission considers the long-term fiscal impact of all legislative actions taken.

Ballot Question No. 6

AMENDING RELATED SPECIAL ACTS BY DELETING ARTICLE II "PUBLIC LIBRARY" AND ARTICLE III "MUNICIPAL PROJECTS"

SHALL MIAMI BEACH RELATED SPECIAL ACTS, ARTICLE II THEREOF ENTITLED "PUBLIC LIBRARY" AND ARTICLE III THEREOF ENTITLED "MUNICIPAL PROJECTS," BE DELETED AS SAID LANGUAGE IS OBSOLETE AND/OR REDUNDANT?

Explanation

In addition to the City Charter, the City Code contains "Related Special Acts" that include special laws relating to the City that were adopted over 50 years ago by the State Legislature. As a result of subsequently enacted laws, portions of these Related Special Acts have become unnecessary and/or outdated. This question asks to delete Articles II and III that are no longer necessary.

Specifically, Article II (enacted in 1949), authorizes the City to acquire, maintain and operate a public library, and provides for a City Board of Trustees to oversee the management and administration of the City's library. In July 1986, the City of Miami Beach and Miami-Dade County entered into an interlocal agreement to merge the City's public library system with the Miami-Dade Public Library System. The County's library board was expanded by two positions to represent Miami Beach, and consequently, in October 1986 the City of Miami Beach Library Board was abolished.

Article III of the Related Special Acts regarding "Municipal Projects" is also no longer needed in the City Code as language regarding the powers of the City is already provided for in the City Charter.

Ballot Question No. 7

SALE OF 2620 BIARRITZ DRIVE

SHALL THE CITY OF MIAMI BEACH SELL WATERFRONT PROPERTY LOCATED AT 2620 BIARRITZ DRIVE IN MIAMI BEACH, FLORIDA (SURVEY AND LEGAL DESCRIPTION OF PROPERTY ON FILE IN CITY'S PUBLIC WORKS DEPARTMENT), WITH THE SALE PROCEEDS TO BE UTILIZED FOR THE CITY'S RENOVATION OF THE NORMANDY SHORES GOLF COURSE?

Explanation

In October of 1988, the City's Land Use Committee recommended the sale of three City-owned vacant waterfront lots located in Normandy Isle that had previously been used as a trash transfer station known as the North Shore Stash Area. In June of 1990, two of the three lots were sold. The third lot, located at 2620 Biarritz Drive, was never sold. The property is now currently bordered by two privately-owned lots zoned for single-family residences. This ballot question asks voters whether the City shall again attempt to sell the property located at 2620 Biarritz Drive through a public sale based on the fair market value as determined by a professional, independent appraisal. The property would be sold to the highest bidder and zoned for a single-family residence. The proceeds of the sale would be used for the City's renovation of the Normandy Shores Golf Course.